

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN VALDA RICE,

Defendant.

NO. CR07-08-JCC

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

An initial hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on April 21, 2011. The United States was represented by Assistant United States Attorneys Patricia Lally and the defendant by Jay Stansell for Nancy Tenney.

The defendant had been charged and convicted of Armed Career Criminal in Possession of a Firearm, in violation of 18 U.S.C. § 922(g). On or about December 17, 1993, defendant was sentenced by the Honorable Barbara J. Rothstein, to a term of 180 months in custody, to be followed by 5 years of supervised release.

In addition, defendant had been charged and convicted of Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), and 2256 On or about

1 October 12, 2007, defendant was sentenced by the Honorable John C. Coughenour, to a term
2 of 24 months in custody, to be followed by 10 years of supervised release.

3 The conditions of supervised release included the requirements that the defendant
4 comply with all local, state, and federal laws, and with the standard conditions. Special
5 conditions imposed included, but were not limited to, participation in a substance abuse and
6 mental health programs; financial disclosure; sex offender treatment, search, no firearms, DNA
7 collection, no self-employment and shall not accept or begin employment without USPO
8 approval, no new credit, and possess identification in true legal name.

9 In a Petition for Warrant or Summons for Offender Under Supervision dated February
10 1, 2011, U.S. Probation Officer Steven R. Gregoryk asserted the following violations by
11 defendant of the conditions of his supervised release:

- 12 1. Possession of drug paraphernalia on or about January 30, 2011, in violation of
13 standard condition No. 7.
- 14 2. Accepting or beginning employment on or before January 30, 2011, in
15 violation of the special condition of supervision which states that the
16 defendant shall not accept or begin employment without prior approval by the
17 U.S. Probation Officer.
- 18 3. Failure to report for drug testing as instructed on February 1, 2011, in
19 violation of the general condition of supervision which requires the defendant
20 to submit to drug testing.

21 In a Supplemental Violation Report, dated February 10, 2011, U.S. Probation Officer
22 Steven R. Gregoryk asserted the following violation by defendant of the conditions of his
23 supervised release:

- 24 4. Failing to make reasonable progress in a sexual deviancy treatment program
25 as directed by the probation officer.

1 In a Second Supplemental Violation Report, dated March 29, 2011, U.S. Probation
2 Officer Steven R. Gregoryk asserted the following violation by defendant of the conditions of
3 his supervised release:

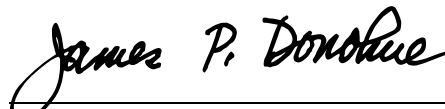
- 4 5. Committing the crime of Robbery II, on or about March 28, 2011, in violation
5 of the general condition that states the defendant shall not commit another
6 federal, state or local crime.

7 The defendant was advised of his rights, acknowledged those rights, and admitted to
8 alleged violations 1, 2, 3 and 4. Defendant denied alleged violation 5, and requested that an
9 evidentiary hearing be set on the same day as a disposition hearing before the Honorable John
10 C. Coughenour on the alleged violation.

11 I therefore recommend that the Court find the defendant to have violated the terms and
12 conditions of his supervised release as to violations 1, 2, 3 and 4 and that the Court conduct an
13 evidentiary/disposition hearing on alleged violation 5. A disposition hearing on violations 1, 2,
14 3 and 4, and an evidentiary/disposition hearing on alleged violation 5, has been set for May 20,
15 2011 at 9:00 a.m. before the Honorable John C. Coughenour.

16 Pending a final determination by the Court, the defendant has been detained.

17 DATED this 22nd day of April, 2011.

18 

19 JAMES P. DONOHUE
20 United States Magistrate Judge

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22 cc: District Judge: Honorable John C. Coughenour
23 AUSA: Patricia Lally
24 Defendant's attorney: Nancy Tenney
25 Probation officer: Steven R. Gregoryk
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